

# Hawaiian Gazette.

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HONOLULU, H. T., TUESDAY OCTOBER 29, 1901.—SEMI-WEEKLY.

WHOLE No. 2328.

## HAWAII AT WASHINGTON

### Third Judgeship Is Favorably Settled.

### THE "VINDICATION" HAD STRINGS ON IT

### The Gill Land Protest Is Looked Upon as Unwarranted—No Reply Likely.

WASHINGTON, D. C., Oct. 10.—The decision of Attorney General Knox presented to President Roosevelt regarding the validity of the Territorial act authorizing an additional judge for Hawaii will not be made public as to its text till tomorrow, October 11, but the purport of the decision is already known. After studying the law of the case Mr. Knox decides that the Territorial legislature was given authority by Congress to authorize an additional judge. This means, of course, that an additional judge will be appointed. It is stated at the department that the nomination may be expected before a long time.

The appointment of Eugene R. Hendry, of Hawaii, to be marshal of the United States in the Territory, was announced October 10. The appointment was made chiefly on endorsements from Hawaii. Col. Parker, who has recovered sufficiently from his illness to be out, has been looking after some matters but just at present he is in New York City. It is expected that he will return within a day or two. He is likely to have something to say about the appointment of a new Territorial judge.

The Department of Justice has received some peculiar letters regarding the reappointment of Judge Humphreys, when his term shall have expired. These letters were directed to the Department of the Interior and thence referred to the Department of Justice. They come from different localities, chiefly in the South, including Texas and Arkansas and urge the department to reappoint Judge Humphreys for the sake of pure morals. The tenor of these letters leads the department officials to think that Judge Humphreys or some of his workers have started a movement, such as has become popular in appealing to Congress in these latter days. There is a man in this city, named Wilbur F. Crafts, who makes his living from reform movements and from working up petitions among churches and religious bodies. It is not known whether Mr. Crafts is concerned in these letters, but the manner in which they are forwarded very much resembles Mr. Crafts' methods.

In that connection it is well, perhaps, to reiterate that those who claim that Judge Humphreys secured a complete vindication from the administration, when the charges against him were dismissed, are sadly mistaken. Your correspondent knows from the highest possible authority, publications in other newspapers to the contrary notwithstanding, that Judge Humphreys and his following in Hawaii are not on top in the regard of the administration and have never been. Judge Humphreys was distinctly reprimanded, although informally and in a private conversation for his conduct towards his fellow citizens in Hawaii. His haughty conduct was reprimanded. However, there was nothing for the department to do but dismiss the charges against him. As has been told in these letters hitherto, he was the appointee of the McKinley administration and that was prima facie in his favor. Neither the Attorney General nor the President wanted to acknowledge that a mistake had been made. At the same time the department felt that Judge Humphreys had been ill-treated in some particulars. Without discrediting Mr. F. W. Hankey it is known that the sending of him here to represent the Bar Association was unfortunate. All the story of Mr. Hankey's former association with Judge Humphreys and the latter's hospitality and kindness towards him was told to the Attorney General in a light that impressed him very strongly. The decision might have been the same, had some other lawyer been sent, but a far different impression on the minds of high authorities would have been made as to the case of the Hawaiian Bar Association.

F. M. Grew and Edwin Farmer have been appointed day inspectors in the customs service at Honolulu. The Department of the Interior has just received back from Hawaii, whither it had been sent for reference to the Territorial authorities, a long protest

## NAVAL OFFICERS ON THEIR WAY SOUTH TO HOLD COURT IN A NEW POSSESSION

### Pearl Harbor Will be Thoroughly Inspected.

NO MORE distinguished board of naval officers has been gathered in the United States in recent years than that of which the members are in this city. Two rear admirals and four captains, one at the very head of the list, make up the court which is to try their old friend, Capt. B. F. Tilley, recently governor of Tutuila, who will be through the city tomorrow in the Sonoma, on his way to Pago Pago, to be tried.

At the head of this body of officers, who represent three classes at the naval academy, all being in the Annapolis institution at the same time, is Rear Admiral Robley D. Evans, who commanded the battleship Iowa during the late war, and now on duty at Washington as a member of the advisory board, of which Admiral Dewey is the president. It was from duty with this body, and after giving his testimony in the Schley court-martial case, that Admiral Evans was ordered to serve as president of the Tilley court.

Admiral Evans saw Honolulu for the first time yesterday morning. He has served upon the Pacific station before, once during the Chilean war, when as the commanding officer of the Yorktown, he was successful in getting away from Valparaiso with the American refugees, who were taken to Callao in safety. Again, he served in the Bering sea, in command of a patrol fleet, in both cruises being commended for his bravery and discretion. He is a man not above the medium in height, strong face which shows its rugged lines without covering of any hirsute adornment, a bright alert look and a hearty manner. Of his trip, he said last evening:

"I shall go down to see Pearl Harbor tomorrow, but the entire party will not accompany me. I want to go as a member of the general board, for when I return there will be many questions asked me as to what may be expected of the harbor. There is a general feeling that the people who have the land which the government wants are trying to 'squeeze' the government before it is transferred.

"There will be many elements in the decision as to what may be done at the new station. It is easy to make new acquisitions of territory, but it is hard to defend them. Much will depend, of course, upon the decisions of the army fortifications board. That will be a fine board, Colonel Heuer is one of the foremost men in the army in that line, and Major Davis is an excellent officer. Speaking generally, there will be a complete station put in Pearl Harbor, for there are few places on the American continent where the natural advantages are so great. It is also the intention of the department to make a great station at Subig bay. Here there are many questions to be considered, the labor market, the general conditions of the Territory, the cost of supplies and such things enter into the matter. The advantages of Pearl Harbor are very well known, however, and the station there will be one worthy of the site.

"Much interest is felt in all things Hawaiian. I should like nothing better than to live here for several years and watch the development of the country. The wealth is here; it is how to get it out. Many people believe that there should be some concession in the matter of the labor laws, to prevent great loss or damage to our interests here. I suppose Governor Dole is the natural leader here. I do not know him, but I tried to see him today, and will try again tomorrow. He is very highly thought of in Washington by every one. He has the absolute confidence of the men with whom I have talked of this country, and I wish to meet him very much.

"Once we have Hawaii defended, we must have it developed. The protest from Mr. E. S. Gill regarding the sales of public lands. The protest is regarded by the department as utterly unwarranted. The law regarding public lands is being followed to the letter, and in homestead lots is being sold according to the law and other sales are made to meet the needs of the Territory. The text of a letter from the Commissioner of Public Lands, dated Aug. 28, states at length what has been done and what is being done. This explanation is eminently satisfactory to the department. No reply has yet been made to Mr. Gill and the department is considering whether any reply at all is necessary.

E. G. WALKER.



REAR ADMIRAL ROBLEY D. EVANS.

will have to have a station in the Aleutian group, for it must be remembered that there is a large part of the United States in the north. We are now looking for a good harbor in that string of islands.

Rear Admiral Henry Glass is the junior of that grade, having been advanced to it through the retirement of Admiral Schley, which took place on the 5th of the present month. His commission has not been sent out, but he has the title and rank nevertheless. Admiral Glass has seen Honolulu through many years, having come here the first time early in the seventies. He is a very modest man, and would not talk at any length, but said that he thought Honolulu had greatly changed, and in fact that no other town he ever had seen had experienced the same amount of change as in the past three years, since the time he was here in the Charleston, on the way to take Guam and finally to land as port captain of Manila.

Admiral Glass is now commandant of the new training station for boys, located upon Goat Island, in the bay of San Francisco, and it is his expectation that he will remain there for some time; at least until the completion of the buildings for that station. The work now being done there, he said, was excellent, and the young men trained there were a credit to the navy. From what has been said it is believed Congress will make provisions for extensions of that station during the present term.

Capt. C. M. Thomas is the other member of the party who has been in Honolulu before, he having been here in the Oregon, which ship he took back to the United States after her disastrous strike in the Japan sea. He is still the commander of the battleship, having been taken off only for this service. He said yesterday that his ship was in excellent shape, and that had it been needed he could have gone on around the world. Captain Thomas is one who disapproves of the new plan of cutting down the secondary battery of a battleship, as is now planned in the new vessels, where the 8-inch gun is mounted instead of the 6-inch. He also does not like the idea of the 7-inch gun at all. Captain Thomas expressed himself as much pleased with the new buildings of the city, commenting upon the Young and Hackfeld structures as most creditable to any city, even one of much larger size than this.

This mission of the members of the board, said Captain Thomas, is most painful to all of them, owing to the fact that Captain Tilley has always been looked upon by his fellows as a model of propriety. Captain Thomas said that in his opinion the board could not complete its work in time to catch the ship leaving Pago Pago on November 11th, and that it would be about the first of December when the members got away.

Capt. P. H. Cooper, the former commander of the battleship Iowa, who brought that ship around into this ocean after the war was over, is the senior captain, and will be a rear admiral before the year is over. He has had no command since the close of his last cruise in the Iowa, and has spent the time serving upon boards such as the present one. He is now on leave, and this duty is a most pleasing experience to him, as he has never before been in this part of the world.

Capt. P. F. Harrington, who is one of the members of the board who never before cruised in these waters, is now

second in command of the Portsmouth, N. H., navy yard, being captain of that yard, also now on leave of absence.

Capt. J. F. Merry, commandant of the local station, is preparing to depart with the Solace, which will get away perhaps Wednesday evening. There was a pleasant meeting between the captain and the other members of the board yesterday, as they are all old friends. The almost imperceptible limp which marks Admiral Evans is the result of wounds received before Port Fisher. Captain Merry was serving in the same ship, and was wounded at the same time, and receiving three gunshots, and the two officers, then young men, were taken to the hospital in the same ship.

The Solace began taking in coal yesterday, as there will be put into the bunkers enough to carry the ship from here to Guam. The trip down was made in seven days, working three boilers. There will be two boilers used from here, as the vessel is regularly on a trip to the Philippines, and is making this long detour to carry the members of the court. There will be a full day's work with the coaling today, and the ship may not be able to get out before Thursday.

It was expected that Captain Sebes, the new captain of the Abarenda, and governor of Tutuila, would be in this ship, but he was given leave, and went home to St. Louis, to see his aged mother.

## COOPER'S WORK AT WASHINGTON CITY

### He Pleads the Growing Need of Chinese Field Labor.

WASHINGTON, Oct. 18.—Henry E. Cooper, Territorial Secretary and for several months prior to his departure for the United States Acting Governor of Hawaii, has discussed with Secretary of Agriculture Wilson the conditions in the Territory. One of the main aims of Mr. Cooper's trip here is to acquaint the Administration with the actual situation in Hawaii. In his conference with Secretary Wilson he emphasized the seriousness of the labor problem. The natives are dying off rapidly, the mortality being in the neighborhood of forty deaths to the thousand, and foreign laborers are getting out of the country much more rapidly than they are coming in. The encouragement of Chinese labor, said he, is regarded as the most promising solution and the Territorial Government is anxious that large numbers of laborers shall come in from China. The sugar cane crop, that should have been harvested at the beginning of July, he said, is not yet off the field and will not be harvested before next month. The coffee industry is languishing and many things that should be raised there have to be bought outside the islands.

Mr. Cooper called at the Interior Department today and finally revised his annual report, which he has submitted to Secretary Hitchcock. He says all experiments have shown that the Americans are not fitted for labor in the islands and that there is nothing to do but to get foreign labor. Mr. Cooper says this in no wise will affect the labor conditions in the United States, as the entrance of foreign labor already is sufficiently guarded against here. He points out that \$20,000,000 worth of machinery and similar supplies had to be bought from the United States for use in Hawaii during the last year and said that improved conditions there would advance commercial relations here. He will leave for Hawaii next Thursday.

### Transition Period Captives Want Freedom.

Two transition period prisoners intend to make another attempt to evade the consequences of their crimes, and with that end in view pleas in bar were filed yesterday by the attorneys for George Wade, who killed the steward of the Australia, and William Ester, also serving a sentence for murder. Petitions were filed by which it is hoped to have the indictments found by the last grand jury declared invalid, and once this is done the prisoners hope to secure their freedom from under the old conviction which has twice been declared unconstitutional, by habeas corpus proceedings.

Wm. Ester alleges in his petition that he was indicted for murder in the first degree May 7th, 1900, and that May 23rd, 1900, he was convicted of manslaughter and sentenced to a term of twenty years in prison.

That therefore the new indictment found by the last grand jury is illegal and should be dismissed.

George Wade files a similar plea, alleging that he was sentenced May 17th, 1899, for murder, and has been serving his term, and was in prison when the indictment was returned. He states further that more than two years have elapsed since he was taken into the custody of the court, and during that time he was given no trial or examination upon the indictment now presented. He further alleges that the laws of Hawaii were not carried out, in that the defendant was not arraigned and prosecuted in a court of record, and that no indictment was presented for over two years after his arrest. These delays he alleges were not his fault and he asks:

"That the failure to prosecute said defendant as above alleged, has, by operation of law, operated as an acquittal of the defendant of the charge herein alleged against him, and under the provisions of the law he is entitled to an order by this court for his discharge from custody."

WANTS GRAND JURY MINUTES. William Davis, one of the men indicted by the grand jury, asks that he be allowed to see the minutes of the grand jury in relation to his case, and that he cannot plead before he has seen them. He alleges that he had no examination before a committing magistrate and believes the indictment to be based upon insufficient evidence.

LAST DAY OF TERM.

Yesterday was the last day of the special September term, which was extended as much as could be done under the law. There was a general cleaning up of business of all kinds, and the calendar is in comparatively good shape. A few weeks' work by two judges will effectually relieve its present overcrowded condition.

PRISONERS SENTENCED.

Kallipaka, a Hawaiian who was twice sentenced in the District Court for petty thefts, was given a three years' sentence by Judge Gear yesterday, to begin at the conclusion of his present term. When he was asked if he had any reasons to give for a light sentence, the prisoner said through the interpreter, that as it was in the power of the court to be lenient, he should exercise that power. The defendant said he had pleaded guilty and that fact ought to be taken into consideration. Judge Gear stated that in view of his previous crimes the defendant had no right to expect leniency, but said he would take off two years of the five years limit, and sentence him to three years in prison. Kallipaka was charged with stealing two calabashes valued at \$41.

Affric Christiansan was sentenced to one day's imprisonment, having already served a few months. He pleaded guilty to stealing a harness valued at fifteen dollars.

D. McGoldrick pleaded guilty to the theft of a bicycle and sentence was suspended on the promise of the man to go to San Francisco where he has a wife and child.

## PORTO RICANS AS AMERICANS

The Porto Ricans in Glau are proving good Americans and they have an eye to the moral aspect of their surroundings. At one of the camps occupied by these people there are a number of Japanese, who have been in the habit of posing in the altogether on their return to work. A couple of weeks ago a committee of Porto Ricans waited on the Japanese and told them the practice must cease while there were women and children in the camp. The notice had its effect. It has been the custom with the Japanese to hoist their national flag every Sunday, and a few weeks ago the flag went up as usual. The Porto Ricans noticed it and decided that while they were on American soil it was not good form to have anything but the stars and stripes over a building. A committee called on the Japanese and stated the case; the Japanese sun burst came down and old glory went up in its place.—Hilo Herald.

## ADDS TWO NEW MEN

### Republicans Show Interest in Work.

### LARGE MEETING OF THE COMMITTEE

### Stewart Loses His Fight But Keeps the Members Busy—Many New Rules.

IT WAS a dark day for T. Stewart. First, the Republican Territorial Committee met. Then it added two members to the executive committee. It refused to investigate appointments made and their endorsements. Incidentally the fifth district's candidate for the executive committee was left. Barring these body blows, and with a few raps to his credit, placed upon various members of the committee, the man from Kailhi did pretty well, thank you.

Despite the fact that the meeting was called by H. P. Baldwin, who is not chairman, there was a very fair attendance both in person and by proxy, and a gallery which held the Heavenly Twins, Lewis and Turk, and Matchlock Holmes Ney. It was very soon after four o'clock when the headquarters of the committee began to be filled with the members of the body. Proxies were filed with the secretary to the number of twelve, and then a motion was made that Col. J. W. Jones act as chairman. This was agreed to and the following roll was made up as representing the attendance: Andrew Cox, J. P. Cooke, J. W. Jones, C. W. Wilcox, J. A. Kennedy, by Cooke; W. G. Walker, by Cooke; G. F. Renton, by Cooke; Peter N. Kahokuuluna, by Cooke; H. P. Baldwin, by Cooke; J. H. Fisher, G. P. Kamauloha, by J. D. Paris; L. J. McCaba, by Frank Pahl; B. F. Sandow, by B. H. Wright; J. A. Palmer, by Wright; T. Brandt, by Wright; George H. Huddy, T. McCanta Stewart, M. McCann, by Stewart; H. L. Holstein, by Stewart; A. N. Kepolika.

The rage of battle was thrown down at once by the motion of J. P. Cooke that the committee elect two new members of the executive committee, at large, to increase the membership of that body to eleven. To this, after the matter had been explained by Mr. Cooke, as being done from a desire to have the executive committee of such size as to have a quorum here all the time, Stewart objected, on the ground of illegality, taking the stand that the convention which authorized the committee had fixed the number of members at nine. He read from the proceedings of the convention and then offered a resolution which was later adopted, but which he hoped would wipe out the original motion. Chairman Jones refused to consider the amendment and Stewart began to denounce the proposed course as revolution, saying it would return to vex the members, when some faction temporarily in power would elect its own friends so as to control the body permanently.

B. H. Wright said if it must be revolution to provide a body which could hold meetings, he was in favor of revolution. He was interrupted by Stewart, who asked if his plan did not cover the point, and Wright informed him that he could not approve of the Stewart plan. This brought on a spirited colloquy, Stewart saying he had talked with Wright and the latter insisting that he had only told the former to call again, the encounter ending with the Kailhi member remarking, "what's the use talking to you, anyhow," and Wright insisting that there was need of the two new men.

Senator Paris thought there should be an increase, as the plan proposed would not solve the existing difficulty. Stewart further explained his plan. Colonel Fisher suggested that there had been sufficient work done by a small body and said that the Territorial committees should do the business, working through proxies. He said he did not believe in close corporations, and the central committee could do just what it wanted done.

Stewart agreed and argued. Chairman Jones said that the duty of the committee was to take steps to have a body which could do the work of the party all the time, and with little danger of delay.

Stewart said if one change could be made the whole of the rules could be wiped out. Wright insisted that if the convention had made a mistake the committee should not make one, but should see that the executive body was full and well balanced by appointing two or three men. Stewart insisted that the law should be respected.

The vote resulted in the passage of the Cooke resolution by 15 to 5, the negative votes being, Stewart and two proxies; Huddy and Fisher.

Stewart insisted it was revolution. The following resolution was then offered by Stewart, the one he tried to have considered earlier:

(Continued on Page 5)